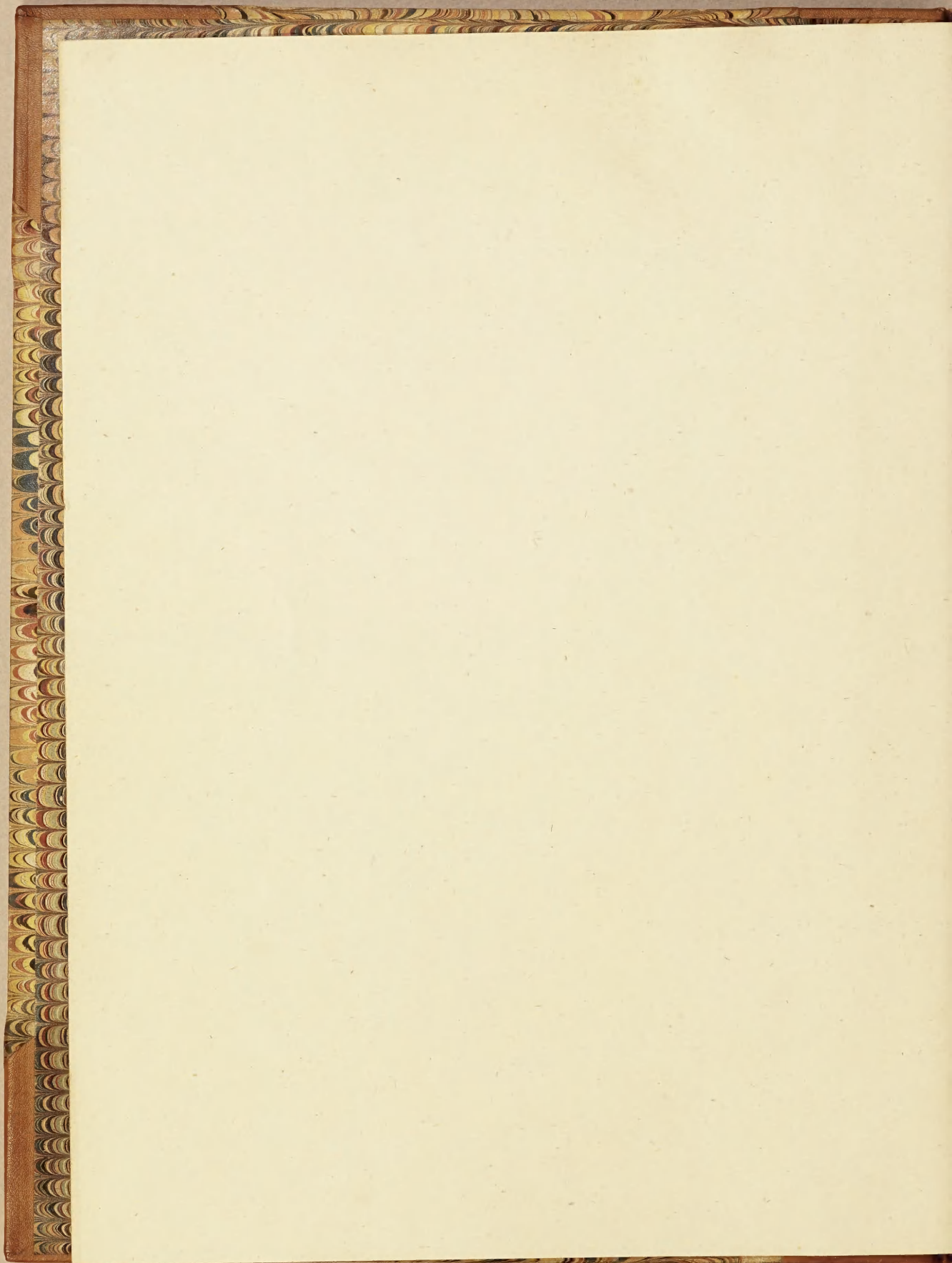
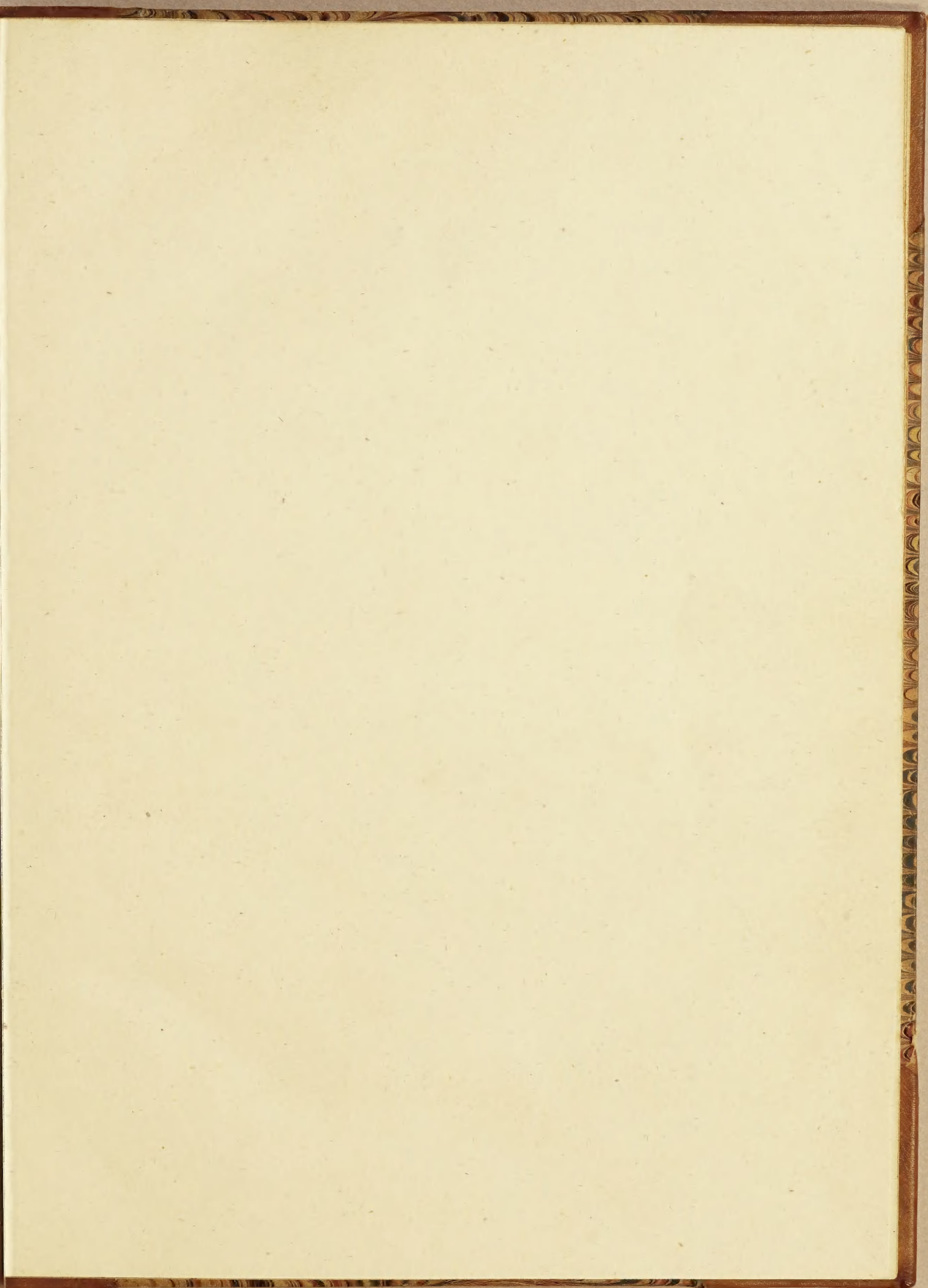


John Carter Brown.







Rich p. 93.

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A
JOURNAL
OF THE
PROCEEDINGS
OF THE
COMMISSIONERS

Appointed for Managing

A Treaty of Peace :

To be Begun and Held at *Falmouth*, in the County of
York, the Twenty-seventh of *September*, Anno Domini
One thousand seven hundred and forty-nine ;

BETWEEN

*Thomas Hutchinson, John Choate, Israel
Williams, and James Otis, Esqrs;*

COMMISSIONED by the HONOURABLE

SPENCER PHIPS, Esq;

Lieutenant-Governour and Commander in Chief, in
and over His Majesty's Province of the *Massachusetts-
Bay* in *New-England*,

on the one Part ;

AND THE

EASTERN INDIANS

on the other Part.

BOSTON ; NEW-ENGLAND : Printed by JOHN DRAPER,
Printer to His Honour the Lieutenant-Governour and Council.

A

JOURNAL, &c.

JOHN CARTER BROWN

September 29. 1749.

THE Commissioners being all arrived, were informed by Capt. *Lithgow*, Commander of *Richmond Fort*, That a Number of the *Norridgewock* Tribe were attending in order to the Treaty, and desired to pay their Respects to the Commissioners: Who appointed Ten o'Clock the next Morning for that Purpose. And Notice was given to *Theodore Atkinson*, and *John Downing*, Esqrs; commissioned by the Governour of *New-Hampshire*, desiring them to be present if they saw Cause.

September 30. 1749.

EIGHT of the *Norridgewock* Tribe (*Toxus* the Chief being absent and indispos'd) appear'd at the Commissioners Lodgings, where the Salutations to and from the Commissioners of both Governments were pass'd in the usual Form. After which the Indians desir'd a Supply of Provisions, &c. which were accordingly ordered them. They then were inform'd by the Commissioners, That as soon as the *Penobscott* Tribe should arrive, who were daily expected, they would proceed to the Treaty.

October 3. 1749.

HERE being no News of the *Penobscott* Tribe, the Commissioners dispatch'd a Whale-Boat to *St. George's Fort*, with Letters to Capt. *Bradbury* the commanding Officer there, desiring him to let them know the Reason of the Indians Delay; and what his Expectations concerning them were.—Fourteen Men, Women and Children, of the *Pigwacket* Indians, who had lived among the English, in the County of *Plymouth*, during the War, and were sent down to be present at the Treaty, arrived this Day.

October 4th.

THE *Norridgewock* Indians desiring to speak to the Commissioners, express'd some Uneasiness at the Delay of the Treaty, and desir'd to know whether they might not be treated with separately, and so dismiss'd: But at length agreed to wait some Time longer, for the Arrival of the *Penobscotts*.

The Commissioners enquired of them, Whether there had been a general Meeting of all the Tribes of Indians, in order to propose a Peace, as the Delegates inform'd his Excellency Governor *Shirley* at *Boston*. And they confirm'd the Account given by the Delegates of such a general Meeting in Grand Council.

October 6th.

THE Whale-Boat sent to *St. Georges* returned about Noon, with Letters from Capt. *Jabez Bradbury*, dated the 5th, advising, That two Messengers from the Indians came in that Day to inform him they would certainly be there in two Days, to embark for *Falmouth*.

October 8th.

Capt. *Thomas Bradbury* came down from *Saco Fort*, with an Indian called *Aisaidoo*, who, with two Others, came into the Fort on the 6th Instant, with a Flag of Truce. The other two declin'd coming to *Falmouth* to the Treaty. *Aisaidoo* inform'd the Commissioners, That he had been about twenty Days from *Canada*; That *Pooran*, Chief of the *St. Francois*, with three Others to represent that Tribe, came away before him, and he expected to have found them here. The Indians brought Letters directed to Capt. *Dominicus Jordan* from his Relations at *Trois Rivières*, dated the 13th and 15th of September. 1749. Capt. *Lithgow* was sent in a Whaleboat to *St. Georges* with Letters, informing Capt. *Bradbury*, That the *Norridgewocks* grew impatient; and directing him immediately to send back the Sloop sent for the *Penobscotts*, unless he had a good Degree of Certainty, that a Number of the Chiefs would be ready to embark by Thursday: And to inform them, in case they should arrive afterwards, that the Commissioners apprehended it was not for the Honour of the Government to wait any longer, and that they would return to *Boston*, and make Report to his Honour the Lieutenant-Governour.

The Commissioners from the Governour of *New-Hampshire*, set out this Day for *Portsmouth*, having left an Instrument under their Hands, empowering and desiring the Commissioners of the *Massachusetts* to comprehend the Province of *New-Hampshire* in the Treaty: And *Roland Cotton*, Esq; to sign the Articles in their Name and Behalf.

October 14th.

THE *Penobscott* Indians arrived this Morning, with an English Captive, who was restored, agreeable to a Promise made at *Boston*; and being brought to the Commissioners Lodgings, Mr. *Hutchinson* spoke to them in the Name of the Commissioners, as follows, viz.

Commissioners.

Commissioners. We are glad to see you safe arriv'd, and in Health. We have been waiting here above a Fortnight for you. *Toxus*, and a Number of the *Norridgewock* Tribe, and the *Pigwackets* from *Boston*, have also been here about the same Space of Time. We have been so long kept from home, that we design to return as soon as possible. We propose to have a Conference with you all in the Afternoon, and have notified the other Tribes of it. And if any Thing previous is to be said, you may now speak with Freedom.

Eger Emmet. What made the Hindrance was *Loron's* writing a Letter to the Governour, discouraging our coming hither.

Commissi. Did not you write you would come notwithstanding?

Eger Em. Yes: *Casmit* wrote a good Letter, and we are come accordingly; and have now no more to say.

Then the Commissioners drank King *GEORGE's* Health to the Indians, which was pledged by all the Indians present.

Commissi. Do you expect that the Captive *William Mackfarland*, shall be any longer with you.

Indians. No, We have delivered him up.

Commissi. He shall go Home with his Father, who is here present.

Indians. We are content.

The *Norridgewocks* coming in, *Mr. Hutchinson* told them, That the *Penobscotts* were now arrived, and that the Treaty would begin at Three o'Clock: And if they had any Thing previous to Offer, they might also do it.

They were then told that they might all go on board the *Massachusetts's* Sloop and Dine, where Provision should be ordered them.

They, making no Reply, were told, That the Reason of directing them to go on board was, that they might, if they pleas'd, consult together before the Conference in the Afternoon: Which they then replied was agreeable to them. The *Norridgewocks* also drank King *GEORGE's* Health with the Commissioners, and then withdrew.

Post Meridiem.

THE Commissioners being seated in the Meeting-House, and the several Tribes of Indians being present; they were informed that an Oath would be now administred to *Roland Cotton*, Esq; truly to enter all Matters that should pass at this Conference: And to *Capt. Joseph Bean* truly to interpret what should be said both by the *English* and *Indians*. Which Oaths were admininistred accordingly.

Then *Mr. Hutchinson*, in the Name of the Commissioners, spoke as follows, *viz.*

Commissi. Sometime in the Month of *June* last Nine of your Brethren came up to *Boston*, and they made Proposals of Peace in the Name of all the Tribes to Governour *Shirley*, in a Conference had with him. They also propos'd a Meeting of their Tribes in this Part of the Province, to treat and agree upon

upon the particular Articles or Terms of Peace; declaring they were not then fully authorized for that Purpose. The Governour promis'd to meet them by himself, or by his Commissioners at this Place the 27th of *September* last. Soon after this, His Excellency's Affairs obliged him to go to *Great-Britain*: And some Affairs of Consequence requiring the Presence of the Lieutenant-Governour at *Boston*, He has appointed Commissioners with as full Power as He would have had if He had been personally present.

We have been waiting here fourteen Days: The two Gentlemen from the Government of *New-Hampshire* waited here also some Time; but being obliged to return, they have impowered us to act in their Behalf; and have authorized *Roland Cotton*, Esq; to Sign in their Name and in behalf of their Government, such Articles as we shall agree to.

Sundry Gentlemen of both Governments have been likewise waiting here some Time upon this Occasion, but were obliged to return Home.

The *Norridgewocks* have also waited as long as we have; but we have defer'd treating with them till the *Penobscots* should arrive.

We have now taken the first Opportunity to confer with you all together.

We have brought the Conference from *Boston* of *June* last; and hope you have brought what was delivered you.

We are pleas'd you have brought the Captive agreeable to your Engagement.

We desire to know what Tribes you appear for, and how far your Power extends.

Toxus. Pray hear what I am going to say.

I have thought of this Matter a great while, and am now come.

It has been foul Weather; I have stay'd till fair Weather.

Ever since Governour *Dummer* treated with us, all the Indians lik'd it well, and have reckon'd it well ever since.

But yet there has been a dark Cloud for a Time, and a great deal of Blood spilt: But now let us try to cover it over and forget it; and then when that is done, Love will encrease.

For my Part I am come here for Good. Time has been when your young Men terrified ours and ours have terrify'd yours: But now the Time will come when they may see one another without Fright.

Commissi. We understand that you are the Chief of the Tribes; and that you are the proper Person to speak for them; and what you engage they will perform.

Toxus. I am Chief, and they are all of my Mind.

Eger Emmet. I went to *Boston* for Peace; and you now see me for the same End here.

There were three Indians retarded our coming here in Time, viz. *Loron*, *Sabousit* and *Wombamando*; who would break up any Thing that is doing for Good. Notwithstanding I am now come to propose what can be done in Peace; for God is willing that we should both *English* and *Indians* live in Peace. But *Loron* says, when there is a *French* War we must break again.

Commissi. Your Tribe is numerous; and but Five here! Are you properly impowered to act for the whole Tribe? Are they acquainted with your coming?

Eger

Eger Emmet. Yes, We are to act for them all. We don't come here for Nothing.

Commissi. When the Delegates were at *Boston*, they gave as one Reason why they could not finally agree upon a Treaty, because their young Men were not present; and they chose this Place that the young Men might be here.

How can you now agree without them?

Eger Emmet. I was at *Boston*, and am now here to make Peace.

Commissi. Are you any ways better impowered now to make Peace, than when you was at *Boston*?

Eger Emmet. The King has made Peace, now therefore we will; and who shall contradict it?

Commissi. The King's Subjects are bound by that. But how are you impowered?

Eger Emmet. We can bind our People, if they are not drunk.

Commissi. Can you bind and oblige the young Men of your Tribe as strong as if they were here present?

Eger Emmet. Yes, They are obliged; and will stand by what We do.

Commissi. When the Delegates were at *Boston*, they propos'd Governour *Dummer's* Treaty to act upon.

Eger Emmet. Ycs; and We now do so.

Commissi. In that Treaty a Peace is to last as long as the Sun and Moon endure. Is it your Design and real Intention now to establish a Peace which shall last forever, notwithstanding what *Loron* says, or the *French* shall hereafter do?

Eger Emmet. Yes.

Toxus. For our Parts We shall not break it.

Commissi. The *English* have never encouraged the *Indians* to make War with the *French*; but when the *Indians*, or their Ancestors have desired a Peace with the *English*, it was always readily granted: The *English* have always taken Measures to preserve and not to hurt them; but the *French* have always stir'd them up to War to their Destruction.

If a War should happen between the *English* and *French*, are you resolved to keep Peace with us? We don't know of any War, but only desire to know your Sentiments.

Eger Emmet. What you have said we will carry Home.

Commissi. Have you no Power without going Home?

Eger Emmet. You speak angrily.

Commissi. No, We only speak loud, as the Interpreter is hard of Hearing.

Toxus. As to taking part with the *French*, I cannot now answer: We must consult upon it.

Commissi.

Commissi. When the Delegates were at *Boston*, they said they would consult their Tribes ; and it is now expected they will Answer.

To-Morrow is the Lord's-Day, upon which we do no Business. Therefore we desire you will retire to the Island prepar'd for you, where proper Provision is ordered you. We shall meet you again in this Place on Monday Morning next : And shall bring with us Governour *Dummer's* Treaty, &c. And before that Time We and You may both consider of what has been now said.

Eger Emmet & Toxus. Very well.

They then drank King *GEORGE's* Health, and the Gentlemen's present ; and withdrew.

October 15th.

SIX of the *St. Francois* Indians came into *Falmouth* to attend the Treaty.

October 16th.

THE Commissioners having notified the *Indians*, they were all present at the Meeting-House, when Mr. *Hutchinson* spake to them as follows, viz.

Commissi. We are glad to see you well in Health this Morning : We hope you have wanted for nothing since you were here.

Indians. Nothing at all : We have had every Thing.

Commissi. It was agreed that both Sides should consider of what was said on Saturday. We were surprized to hear of some Things then offered on your Part relating to the Continuance of the Peace ; The *English* never made any such Peace as that. It would be dishonourable for this Government, and no Service to you ; and we can entertain no Tho't of it. You have always spoke well of Governour *Dummer's* Treaty ; and the *English* have lik'd it well. There was a better Understanding after that Treaty than ever before, and it lasted long ; and the *Indians* then said it should last as long as the Sun and Moon endure. We have taken great Care of that Treaty. We have it with us now. * And the Delegates at *Boston* then propos'd this should be the Plan ; And if you are of the same Mind now, we are ready to go over the Articles of that Treaty, and to come into a Peace agreeable to that. We desire now to hear what you have to say.

Toxus. You Gentlemen Commissioners : We have agreed to follow the Path of Governour *Dummer's* Treaty : We desire to turn all the Blood upon the Ground, under it ; and that all may be forgotten.

Commissi. Do you speak for your self or your Tribes ?

Toxus. We don't speak for our selves only, but for all the Tribes.

Commissi. Is it the Mind of *Eger Emmet* and that Tribe to pursue the same Path ?

Eger Emmet. Yes ; We are all of that Mind.

Toxus. I will tell something. I know the Minds of the *Canada* Indians ; one of them, being present, is an Evidence.

* Here Mr. *Hutchinson* shew'd the Original Treaty in Vellum.

Upon the Cessation of Arms, the *French* and *Indians* were sent for, and went up to *Canada*, and discharg'd all the Guns which were loaded in the War; and the Governour then told them, that if they should shoot at any of the *English*, they had as good shoot against their own Brothers: The Governor of *Albany* sent Belts of Wampum to the several Tribes of *Indians* between there and *Canada*, and then the Path of Peace was open.

Commissi. Desire the *Indians* to tell the Names of all that are present, that they may be inserted in the Treaty.

They then declared their Names as follows, *viz.*

Penobscotts ;

Eger Emmet, Maganumba, Nictumbouit, Esparagoosaret, Neemoon.

Norridgewocks ;

Toxus, Eneas, Magawombee, Harrey, Sooseph nia, Naktoonos, Nesaqumbuit, Peereez;

Arresuguntoocooks and Weweenocks ;

Sawwaramet, Ausaado, Waaununga, Sauquish, Wareedeon, Wawawunuka.

Commissi. We don't take the Names of the *Pickwacket* Indians, because they have not been at War with us; therefore the former Treaty holds good with respect to them, as they have not broke it.

We will now read over Governour *Dummer's* Treaty; and it shall be distinctly interpreted to you: Which after it was shewn to them and the Marks of several present (who had sign'd that Treaty) acknowledged by them, it was read, and distinctly interpreted to them.

Commissi. We will first offer what we have to say on the several Articles.—

Have you any Captives among you?

Indians. We have one named *John*, who was taken near *Berwick*.

A Woman then appeared, and declared to the Commissioners it was her Son, taken with her: Upon which Mr. *Hutchinson* said,

Commissi. Do you know this Woman?

Indians. No.

Commissi. Was the Mother taken and three Girls, and an Infant at the same Time?

Indians. Yes; The Husband of the Woman was kill'd: The Girls are return'd Home.

Commissi. Was the Boy the Brother of the Girls?

Indians. They were all taken at the same Time.— There were two Boys; one died some Time ago.

Commissi. How long since you have seen that living Boy?

Indians. Twenty Days ago.

B

Commissi.

Commissi. Was this Boy the same you took at *New-Casco*?

Indians. Yes it was.

Commissi. This Woman brought one of her Sons home, the other died, and yet you say one is left, which cannot be.

Indians. We believe the Boy that was left was taken from *Piscataqua*.

Commissi. It is expected, agreeable to this Article, that this Boy be returned home.

Indians. We would have had him come home last Spring, but he would not come.

Commissi. We insist upon it, that if he is willing, or can be prevail'd upon to come, that you will return him.

Indians. We will deliver him up.

Commissi. If there should be any necessary Charge in bringing him down, we will allow or refund that Charge.

Indians. It is very well.

Inquiry was also made after a young Man taken at *Colerain*, but no certain Account given.

Inquiry was then made after two young Men, one taken at or near *Albany*, the other at *Goreham Town*; but no Account of them.

Commissi. We expect you deliver up all the Indian Captives taken, as much as if they were our own English People.

Indians. There are two Indian Captives at *Arresguntoocook*, and one at *Moorena*; who, tho' they are linked in with the Indians, must be returned when the Peace is settled. One of them named *Caleb*, the other *Wabquish*, the other in the Mountains; all taken at *Annapolis*.

Then Mr. *Hutchinson* informed the numerous Assembly present, that if any of them had any Friends or Relations in Captivity, they might repair to the Commissioners at their Lodgings, and all proper Care should be taken for recovering them from the Indians.

Commissi. to the Indians. Do you know one *Christo*, an Indian about 24 Years of Age; that lived near *Winnepefioket Pond*, that was taken by the *English* some Time since.

Indians. Yes, We know him.

Commissi. That young Man has learned to read and write, and has a Trade, and would not come down with the Commissioners: However, if you will return the young Man before-mentioned, the Governour of *Piscataqua* will oblige *Christo* to return to the Indians again.

Indians. Very well.

Commissi. We now proceed to another Article. We propose to keep two Truck-Houses, one at *St. George's*, the other at *Richmond*.

Sayweremet.

Sayweremet. We desire there may be a Truck-House at *Saco* likewise.

Commiss. The Trade has been so small at *Saco*, that the Government suppos'd there would not be any Need of a Truck-House there, but that *Richmond* Truck-House, would accommodate any Indian that us'd to trade at *Saco*. But if you don't think the two Truck-Houses will generally accommodate you, we will inform the Governour of it.

Sayweremet. We always thought there would be a Truck-House at *Saco*, agreeable to Governour *Dummer's* Treaty.

Commiss. How much further is it to *Richmond* than *Saco*, for the *St. Francois* Indians to carry their Beaver to?

Sayweremet. We don't know. But it is a great Way, and who can carry Beaver such a long Way?

Commiss. We have heard what you have said about a Truck-House at *Saco*, and will acquaint the Governour punctually with it when we return home.

We have but one Word more to say.

There was a Misunderstanding about the Trade in Governour *Dummer's* Treaty: We will have every Thing plain and clear now.

We are directed by the Government to assure you, That you shall have Goods as cheap as you shall be able to purchase them at the same Time in like Quantities at *Boston* with ready Money. And that we will give you as much for your Peltry as it can be bought for at *Boston*.

We are now ready to hear you upon any of the Articles.

Toxus. We have nothing further to offer. We like all that has been said, only we hear that there is an Indian Boy at *Richmond's* Island, which we desire may be restored.

Commiss. That Boy was given to Capt. *Jordan* before the War by his Father, who is since dead. However, we will enquire into the Circumstances, and give you an Account in the Afternoon.

Jo, a *Pigwacket* Indian. That Boy was taken at *Saco* at the same Time we were.

Commiss. We have provided a Dinner for you, and in the mean Time we will prepare the Articles of Peace, and desire to know whether it will be agreeable to you to meet in order to sign them in the Afternoon.

Toxus. We don't know of any Thing more to do to prevent it.

The Commissioners then drank King *GEORGE's* Health, which was pledged by the Indians.

In the Afternoon the Commissioners met the Indians in the Meeting-House.

Toxus. We have now almost finish'd in Love and Unity. Time was in Governour *Dummer's* Day & Treaty, we made Peace in all Love & Unity. Why can't we do it now?

We hope it will be so now, and that we shall live in Peace and Unity again. I wish all our Friends and Neighbours had been here, but since they are not, we will still do well. What we have been saying and doing, all our Tribes will like well. There are three of our young People that we shall be thankful to return to their native Land, viz. *Ooneez*, *Mareuso*, and *Mareagit*, at *Plymouth*.

Commissi. We suppose these are *Pigwacket* Indians. We shall force none of that Tribe to remain among the English, but they shall all be returned home. There was in the Morning something said by one of the *Pigwackets*, as if they were forced away from Home. This is the first Time any such Thing has been publickly suggested. Capt. *Cutter* brought them up, and declared they desired to come and live with the English; and when the Government ask'd them if it was so, they declared that it was so. Soon after the Treaty was appointed, the Government told them they might attend it if they would, and you now see them here with your own Eyes, at Liberty to return. And the Children were not kept back by the Government, but it was their own Choice, and they shall be sent down immediately.

Toxus. As for the Boy at *Canada*, tho' he is not willing to come, yet we will take him out a Hunting and return him.

Commissi. Where would you have the Children sent to?

Toxus. To *Brunswick*.

Commissi. The Sloop goes to *Richmond* this Fall. Will it do to send the Children there.

Toxus. Yes, very well.

Commissi. We shall now read the Articles of the Peace, and they are to be interpreted to you. If you don't perfectly understand every Article, let us know it, and we will explain it.

We shall begin with the Articles of the Treaty you are to Sign; and then go on with those we are to Sign: Both which were read, Paragraph by Paragraph, and distinctly interpreted to them.

Toxus. I am grown Old, and Capt. *Lithgow* is very kind to me; therefore I desire he may be continued at *Richmond*, and that an Armourer may be appointed there.

Commissi. We can't promise this; but we will recommend these Matters to the Government when we go home. Have you any Thing further to offer?

Toxus. No.

Commissi. Are you now ready to sign?

Indians. Yes.

The Indians then signed their Articles, which are as follows, viz.

Province

Province of the Massachusetts-Bay in NEW-ENGLAND.

At Falmouth, in Casco-Bay, the sixteenth Day of October, in the twenty-third Year of the Reign of our Sovereign Lord GEORGE the Second, by the Grace of GOD, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. in the Year of our Lord, 1749.

The Submission and Agreement of the Eastern Indians.

WHEREAS a War has for some Years past been made and carried on by the Indians of the Tribes of Penobscot, Norridgewock, St. Francois, and other Indians, inhabiting within His Majesty's Territories of New-England, against the Governments of the Massachusetts-Bay and New-Hampshire, contrary to several Treaties heretofore solemnly entered into: And the said Indians being now sensible of the Miseries and Troubles they have involved themselves in, and being desirous to be restored to His Majesty's Grace and Favour, and to live in Peace with all His Majesty's Subjects; and that all former Acts of Injury may be forgotten;

WE the Underwritten, being delegated and impowered to represent and act for and in behalf of the Indians aforesaid, have concluded to make, and do by these Presents in their Name make, our Submission unto His most Excellent Majesty GEORGE, the Second, by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. in as full and ample a Manner as any of our Predecessors have heretofore done.

And, We do by these Presents engage with Thomas Hutchinson, John Choate Israel Williams and James Otis, Esqrs; commissioned by the Honourable SPENCER PHIPS, Esq; as He is Lieutenant-Governour and Commander in Chief of the Province of the Massachusetts-Bay, and with the Governours or Commanders in Chief of said Province for the Time being,

That is to say;

IN the Name and Behalf of the Tribes and Indians aforesaid, We do promise and engage, THAT at all Times for ever, from and after the Date of these Presents, We and They will cease and forbear all Acts of Hostility, Injuries and Discords towards all the Subjects of the Crown of Great-Britain, and not offer the least Hurt, Violence or Molestation to them or any of them, in their Persons or Estates; but will henceforward hold and maintain, a firm and constant Amity with all the English; and will never Confederate or Combine with any other Nation to their Prejudice.

THAT all the Captives taken in this present War shall forthwith be restored, without any Ransom or Payment to be made for them or any of them.

THAT His Majesty's Subjects the English, shall and may peaceably and quietly enter upon, improve and enjoy all and singular their Rights of Land, and former Settlements, Properties and Possessions within the Eastern Parts of the said Province of the Massachusetts-Bay, together with all Islands, Islets, Shoars, Beaches and Fishery within the same, without any Molestation or Claims by us or any other Indians, and be in no ways interrupted or disturbed therein. Saving to the Tribes of Indians within His Majesty's Province aforesaid, and their natural Descendants respectively

respectively, all their Lands, Liberties and Properties, not by them conveyed or sold to or possessed by any of the *English* Subjects as aforesaid; as also the Priviledge of Fishery, Hunting and Fowling as formerly.

THAT all Trade and Commerce which hereafter may be allowed between the *English* and the *Indians*, shall be under such Management and Regulation as the Government of the *Massachusetts* Province shall direct.

If any Controversy or Difference at any Time hereafter happen to arise between any of the *English* and *Indians*, for any real or supposed Wrong or Injury done on either Side, no private Revenge shall be taken for the same; but a proper Application shall be made to His Majesty's Government upon the Place for Remedy or Redress thereof in a due Course of Justice: We submitting our selves to be ruled and governed by His Majesty's Laws, and desiring to have the Benefit of the same.

WE do further engage, That if any *Indians* shall at any Time hereafter commit any Act of Hostility against the *English*, we will join our young Men with the *English* in reducing such *Indians* to Reason.

In the next Place, We the Underwritten do promise and engage with *Theodore Atkinson & John Downing*, Esqrs; commissioned by His Excellency BENNING WENTWORTH, Esq; Governour & Commander in chief of His Majesty's Province of *New-Hampshire*, and with the Governours and Commanders in chief of said Province for the Time being: That we, and the *Indians* we represent and appear for, shall and will henceforth cease and forbear all Acts of Hostility, Injuries and Discords, towards all the Subjects of His Majesty KING *GEORGE*, within the said Province. And we do understand and take it, That the said Government of *New-Hampshire* is also included and comprehended in all and every the Articles aforesaid, excepting that respecting the Regulation of the Trade with us.

In Testimony whereof, we have signed these Presents, and affixed our Seals.

<i>Arrasaguntacooks</i> and <i>Weewenocks</i> ,	<i>Norridgewocks</i> ,	<i>Penobscotts</i> ,
<i>Sawwaramet</i> , & a Seal	<i>Torus</i> , and a Seal	<i>Eger Emmet</i> , and a Seal
<i>Austado</i> , & a Seal	<i>Eneas</i> , and a Seal	<i>Aganumba</i> , and a Seal
<i>Maaununga</i> , & a Seal	<i>Agawombec</i> & a Seal	<i>Mittumbout</i> , and a Seal
<i>Sauquith</i> , & a Seal	<i>Harry</i> , & a Seal	<i>Escharagoosaret</i> , & a Seal
<i>Wareedeen</i> , & a Seal	<i>Sooseph nia</i> , & a Seal	<i>Nemoon</i> , & a Seal
<i>Wawawunuka</i> , & a Seal	<i>Naktoonos</i> , & a Seal	
	<i>Mesagumbuit</i> , & a Seal	
	<i>Peereez</i> , and a Seal	

WITNESSES,

<i>John Storer</i>	<i>Charles Frost</i>	<i>Moses Pierson</i>
<i>Jabez Fox</i>	<i>Samuel Moody</i>	<i>Job Lewis</i>
<i>William Welsted</i>	<i>Thomas Smith</i>	<i>James Otis, jun.</i>
<i>William Lithgow</i>	<i>Joseph Wise</i>	<i>William Cotton</i>
<i>Benjamin Titcomb</i>	<i>George Berry</i>	<i>Enoch Freeman</i>
<i>Nathaniel Coffin</i>	<i>Samuel Cobb</i>	<i>Joseph Bayley</i>
<i>Thomas Bradbury</i>	<i>Thomas Scales</i>	

The *English* then signed their Articles, which are as follows, viz.

Province of the Massachusetts-Bay in NEW-ENGLAND.

By *Thomas Hutchinson, John Choate, Israel Williams, and James Otis, Esqrs;* commissioned by the Honourable *S P E N C E R P H I P S, Esq;* Lieutenant Governour and Commander in chief of His Majesty's Province of the *Massachusetts-Bay*, for treating with the *Indians* engaged in the late War.

W H E R E A S *Eger Emmet, Maganumba, Nicumbuit, Esparagoofaret, and others, Delegates from the Penobscots; Toxus, Sachem and chief Sagamore of the Norridgewocks, with others; Sawweeremet, and others of the Arrefaguntacook and Weewenock Tribes appearing for and representing the several Tribes of Indians inhabiting within His Majesty's Territories of New-England, have, in the Name and Behalf of the said Tribes, signed and executed an Instrument of Submission to His Majesty, bearing Date with these Presents, therein firmly promising and engaging for ever, to cease all Hostilities and Violences, and to live in Peace and Amity with all His Majesty's Subjects;*

W E do therefore, by Virtue of the Commission aforesaid, receive and recommend the said Tribes to His Majesty's Grace and Favour. Promising them the Benefit and Protection of His Majesty's Laws, in like Manner as his *English* Subjects have and enjoy.

And we do further engage,

That all Acts of Hostility from this Government, against the said Tribes of Indians shall cease; and that a firm and constant Friendship and Amity shall hereafter be maintained with them.

That upon the Indians delivering up all the *English* Prisoners, any Captives from the *Indians* that may be within this Government shall likewise be set at Liberty.

That the Indians shall peaceably enjoy all their Lands and Properties, which have not been by them conveyed and sold unto, or possessed by the *English*, and be in no Ways molested or disturbed in their Planting or Improvement. And further, That there shall be allowed them the free Liberty and Priviledge of hunting, fishing and fowling as formerly.

That Commerce and Trade shall be carried on between the *English* and *Indians* according to such Directions as shall be agreed on by His Majesty's Government of this Province.

That no private Revenge shall be taken by the *English*; but in Case any Person shall presume so to do, upon Complaint thereof, Justice shall be done the Person aggrieved.

That if any other Tribes of *Indians* shall make War upon any of the Tribes now entered into the Peace: In such Case, Assistance shall be afforded them by the *English*, as shall be necessary.

In the next Place, It is hereby promised and engaged by *Theodore Atkinson and John Downing, Esqrs;* commissioned by his Excellency *BENNING WENTWORTH, Esq* Governour

Governour and Commander in Chief of His Majesty's Province of *New-Hampshire*, That the said Government shall be included and comprehended in, and bound to the Observance of all and every the Articles foregoing, excepting that which respects the regulating the Trade.

In Testimony whereof, We have signed and sealed these Presents.

Dated at Falmouth in Casco-Bay this Sixteenth Day of October, Anno Domini One Thousand Seven Hundred and Forty Nine. And in the Twenty-third Year of His Majesty's Reign.

WITNESSES,

John Storer, Charles Frost, Moses Pierson, Jabez Fox, Samuel Moody, Job Lewis, Wm. Welford, Thomas Smith, James Otis, jun. Wm. Lithgow, Joseph Wise, Wm. Cotton Benja. Titcomb, Nath. Coffin, George Berry, Enoch Freeman, Samuel Cobb, Joseph Bayley, Thomas Bradbury, Thomas Scales.

*Thomas Hutchinson, & a Seal.
John Choate, & a Seal.
Israel Williams, & a Seal.
James Otis, & a Seal.
Roland Cotton, & a Seal,
In the Name and by Order of
Theodore Atkinson and John
Downing, Esqrs; Commissioners
from the Governour of New-
Hampshire.*

Commissi. Whose Hands do you chuse the Articles signed by us should be put into ?
Indians. Into the Hands of *Toxus*.

Commissi. Now we have signed the Peace, all Enmity is taken away, and henceforward we shall always salute and treat you as Brethren.

Toxus. We are sensible that God directs in this Affair.

Commissi. We are sensible of it likewise ; and both we and you may justly expect that God will be greatly offended with those who break such solemn Promises and Engagements.—If you have any Thing further to offer, now is the Time, as we shall not meet together again for a Conference.

Toxus. We have said and done every Thing that is right and just, and have now finished.

Commissi. We have a small Present from the Government which we were directed to deliver you as a Token of Friendship, after Peace should be settled with you ; which we shall deliver you To-morrow in the Forenoon, and desire you to dine with us afterwards. We have provided a Lodging for you in Town, that you may be here in the Morning.

Then the Commissioners drank to the Indians, King *GEORGE*'s Health ; also Health to all their Tribes, and a long Continuance of the Peace as now established : Which was pledged by *Toxus* and all the rest.

October

(17)

October 17th. 1749.

THE Indians being notified to be present at the Commissioners Lodgings ; The Present from the Government was delivered to them, and they were informed, That as it was the Custom of the Government, in their Conferences with the Indians of the six Nations, to deliver them Belts of Wampum to bind such Agreements as were made with them, so these Presents were delivered in Lieu of Belts to the Indians, who had executed the Articles of the Treaty, in order to bind and strengthen the same, and as a Pledge of the Friendship which the Government now bore to them : At which the Indians expressed their Approbation.

The same Evening the Commissioners left *Falmouth* in order to return home.

Attr. *Roland Cotton.*



By

By the HONOURABLE

S P E N C E R P H I P S, Esq;

Lieutenant Governour and Commander in Chief, in and over His Majesty's Province of the *Massachusetts-Bay* in *New-England*.

A P R O C L A M A T I O N.

WH E R E A S, at the Instance and Request of the Indians of the *Penobscot*, *Norridgewalk*, *Arrasaguntacook*, *Wewenock*, and other Tribes, inhabiting within His Majesty's Territories of *New-England*, who have lately been at War with this Government, signified by their Delegates to his Excellency *William Shirley, Esq;* Captain General of the said Province, at *Boston* in the Month of *June* last, a Treaty was begun and held at *Falmouth* in *Casco-Bay*, upon the 14th of *October* Instant, between Commissioners by me appointed and empowered for that Purpose, and certain Chiefs and other Indians, for and in Behalf of the said Tribes; and upon the 16th following, Articles of Peace and Friendship between this Government and the said Indians were agreed upon, finally settled and concluded;

I H A V E therefore thought fit, with the Advice of His Majesty's Council, to issue this Proclamation, that all Persons within this Government may be duly informed of the Peace concluded as aforesaid.

And I do hereby strictly command and require all His Majesty's good Subjects to live in Peace and Amity with the Indians of the *Penobscot*, *Norridgewalk*, *Arrasaguntacook* and *Wewenock* Tribes, and the other *Indian* Tribes, within the Territories aforesaid, who have lately been at War with this Government. And not to commit any Acts of Violence or Hostility against the said *Indians*, or give them any Trouble or Molestation; but on the contrary to afford them all necessary Comfort and Assistance, as Occasion may require; And His Majesty's Justices of the Peace, and all other Officers in such Places where the said *Indians* may resort, are hereby commanded to use their utmost Endeavours, that no Wrong or Injury be offer'd to the said *Indians*, and that the good Laws of this Province be strictly observed and maintained in all Dealings and Transactions with them.

Given at the Council Chamber in *Boston* upon Friday the 27th Day of *October*, 1749. in the twenty-third Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of *G O D*, of *Great-Britain*, and *Ireland* *KING*, Defender of the Faith, &c.

By Order of the Honourable
the Lieut. Governour, with
the Advice of the Council.
J. Willard, Secr.

G O D save the *K I N G*.

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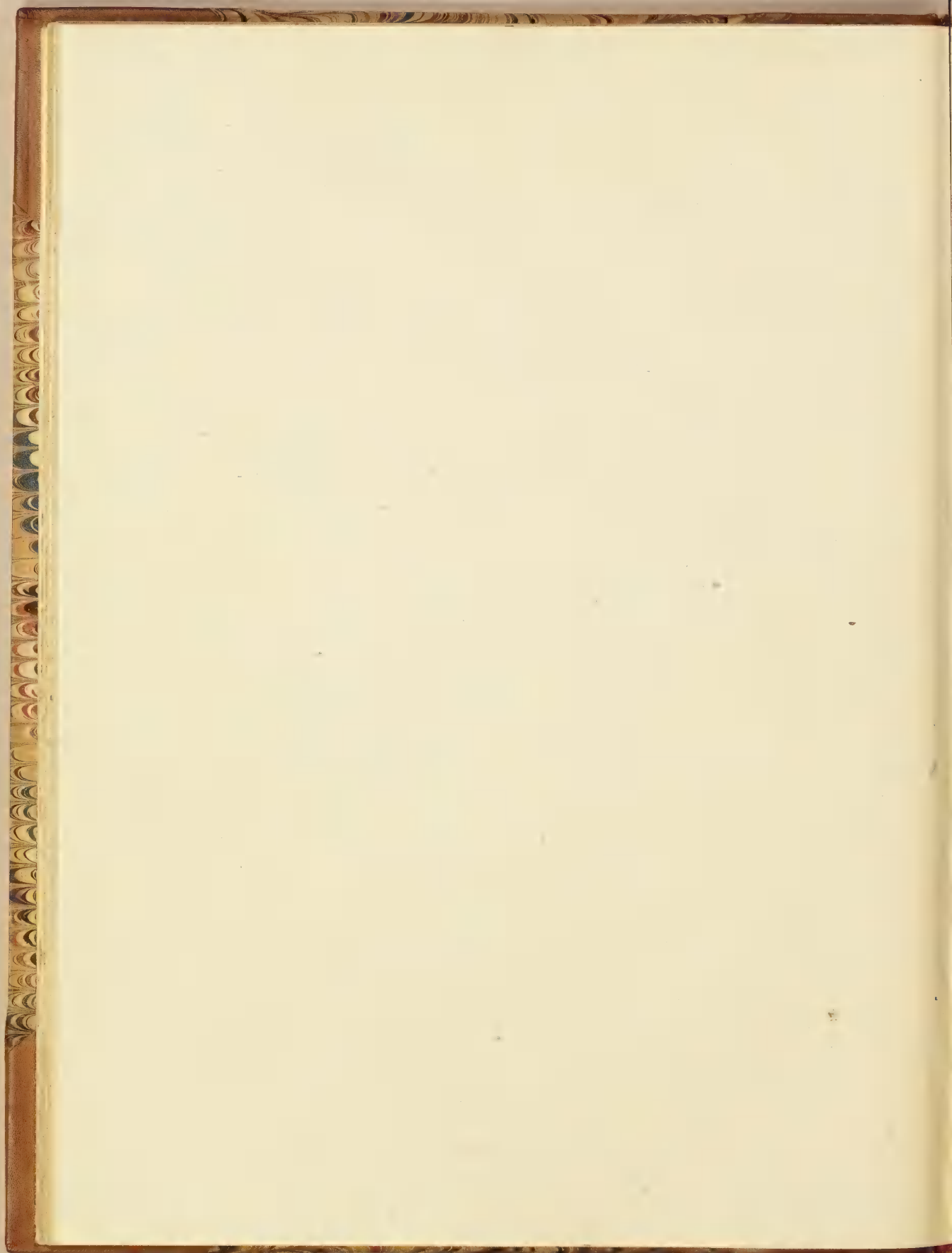
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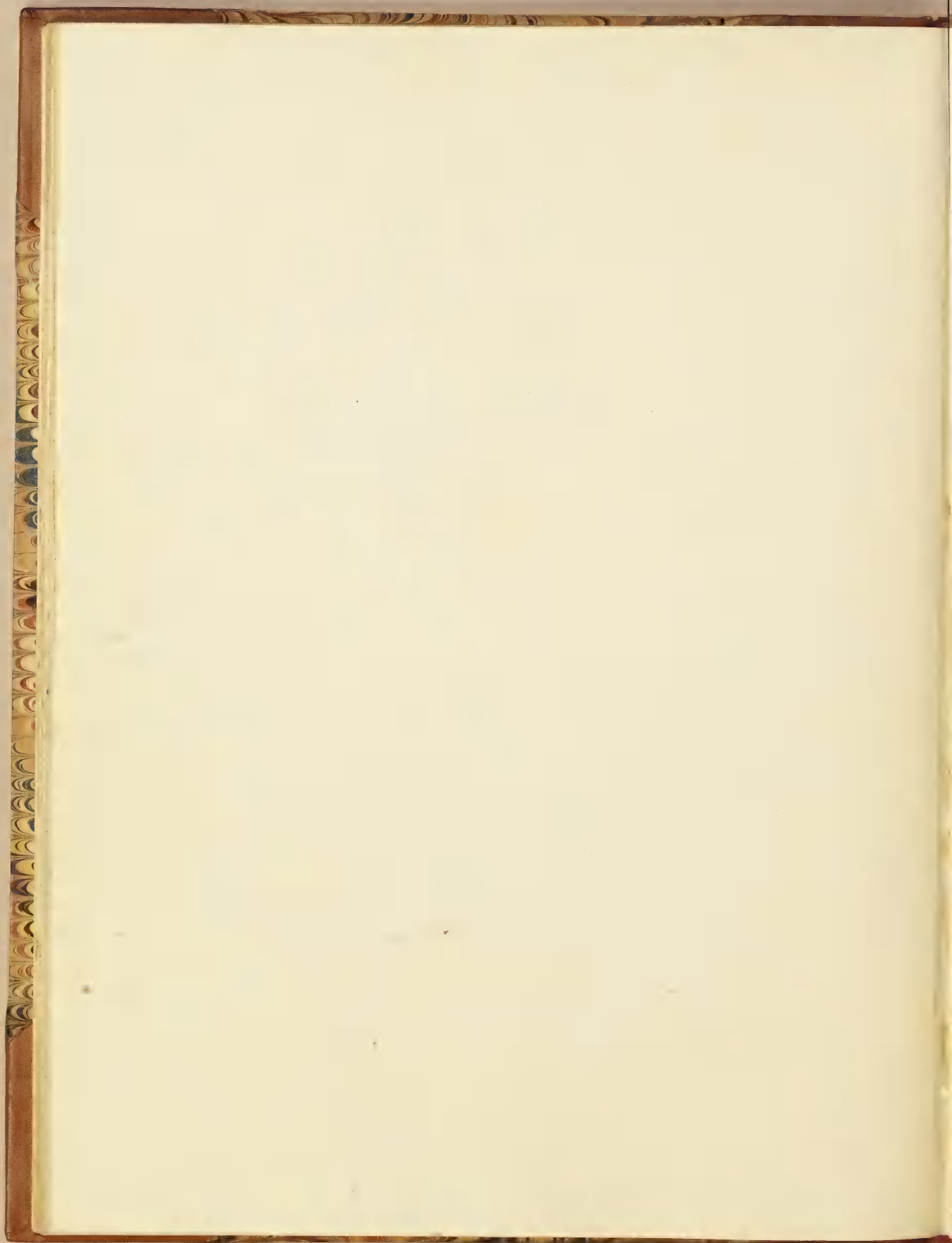
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